

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

DAVIS HINES,)	
)	
Plaintiff,)	No. 1:14-cv-1266-JDB-egb
)	
vs.)	
)	
D&S RESIDENTIAL SERVICES, D&S)	JURY TRIAL DEMANDED
COMMUNITY SERVICES, AND ANGELA)	
STRAYHORN,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

Plaintiff filed his lawsuit on October 7, 2014 and was granted leave to proceed *in forma pauperis*. He then amended his complaint. This Magistrate Judge recommended that the allegations of the amended complaint should not survive screening and be dismissed, except for his retaliation claims. Without objection by the Plaintiff, the District Court adopted these recommendations [D.E. 11]. Thereafter, this case proceeded through various states of litigation, including the scheduling conference, Defendant's motion to dismiss and and motion to opt out of mediation.

On September 22, 2015, this Magistrate Judge entered an order granting the Joint Motion to Set Deadlines Concerning Defendant's Motion to Dismiss [D.E. 25]. Plaintiff was given

until October 5, 2015 to respond to Defendant's Motion and 14 days after the response, to file their reply. As a result of inaction by the Plaintiff to this Order, he was next ordered to show cause within eleven days from the entry of the Order - October 27, 2015 - and was cautioned that failure to do so could result in sanctions, including dismissal of the Plaintiff's case [D.E. 28].

As a result of the failure of Plaintiff to respond, including his failure to communicate with the Court, the undersigned recommends that the Defendant's motion to dismiss pursuant to Rule 41(b) of the Federal Rules of Civil Procedure be GRANTED.

Respectfully Submitted this 19th day of November, 2015.

s/Edward G. Bryant
UNITED STATES MAGISTRATE JUDGE

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT AND RECOMMENDATIONS MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT AND RECOMMENDATIONS. 28 U.S.C. § 636(b)(1). FAILURE TO FILE THEM WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.